IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Copy of Artifact 11/08/2004

In re Application of
Batca *et al.*

Serial No.: 09/880554

Filed: June 13, 2001

For: **Single Stack Exercise Machine with Adjustable Pulls**

Attorney's Docket No: 4341-011

Patent Pending

Examiner: Mr. Victor K. Hwang

Group Art Unit: 3764

3/22/05

DECLARATION OF L. RON BATCA

I, L. Ron Batca, am a named inventor in the above-identified patent application.

1. My brother, Roger Batca, and I own a small company called Batca Fitness that manufactures multi-station exercise equipment. We started building exercise equipment as a hobby during college. After I graduated college in 1989, we started Batca Fitness. Batca Fitness is a very small company that employs approximately 12 to 15 persons. Roger and I design the exercise equipment, which our company manufactures.

2. Prior to February 9, 2001, Roger and I conceived an exercise machine with adjustable hand pulls as described and claimed in the above-identified patent application. We refer to this exercise machine as the FT3. The first prototype of the FT3 exercise machine was constructed and tested prior to February 9, 2001. The first prototype included all of the elements in claims 1 and 6. A photograph of the first prototype is attached hereto as Exhibit 1.

3. At the time we conceived and designed the FT3 exercise machine, Batca Fitness did not employ any engineers or draftsmen. At the time the FT3 was conceived and built, we usually made hand sketches of our ideas and constructed prototypes of our exercise machines from our hand sketches. During the course of our product development, we would provide our hand sketches to an outside draftsman to make drawings of the exercise machine and components. Typically, we would construct the prototype using "rough cut" parts rather than

"shaped parts" that would appear in the final design. For example, a "rough cut" part may comprise a simple rectangular plate to which a pulley could be mounted, whereas the final production part would be shaped to conform to the geometry of the pulleys. After testing the prototype to make sure that our design concepts worked in practice, we would typically begin the process of designing parts for a commercial embodiment. At this point, we would make hand sketches of parts with a desired shape and send the hand sketches to our draftsman. The draftsman would draw the parts and the drawings would be sent to fabricators to obtain quotations for fabrication.

4. Exhibit 2 is a collection of hand sketches that were made by Roger and I during the development of the FT3 machine. The hand-sketches reflect our hands-on design process in which product design and prototype development are done concurrently.

5. Exhibit 3 is a hand made drawing for a finished part for a commercial embodiment of the invention. As described above, it was our practice to make hand sketches of finished parts for commercial products after our prototype machines was built and tested. This particular part is a side plate for the sliding carriage on the adjustable pull. We would not have used a finished part of this type for the original prototype. Rather, the original prototype would have been made with a rough cut part that was shaped after the prototype was built and tested to make it suitable for a commercial product.

6. Exhibit 4 is a drawing of the same part that was sent to us by our draftsman by facsimile. The drawing in Exhibit 4 has a time stamp dated January 22, 2001. The drawing includes detailed dimensions suitable for use by an outside vendor to fabricate the part. This document shows that we were finished with the prototype development and were in the process of designing a commercial embodiment of our invention by January 22, 2001.

7. While in the process of designing components for the commercial embodiment, we contacted our patent attorney to have a patent application prepared. Work on our patent application was done concurrently with the design of the commercial embodiment. Work on the

patent application began some time in March or April of 2001. We received a first draft of the patent application in April 2001. After several revisions, the application was filed on June 16, 2001.

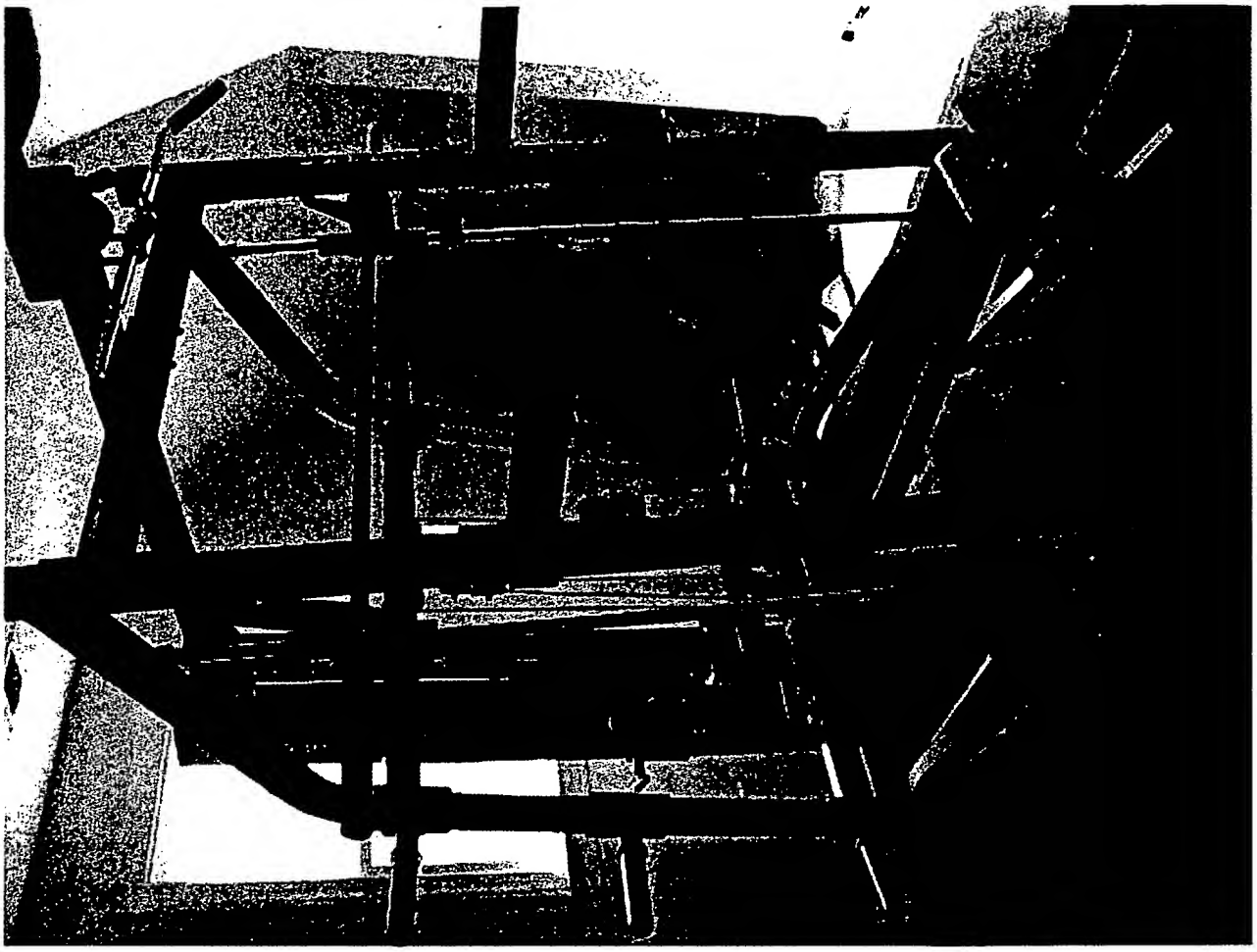
8. The original prototype was displayed in our showroom while we were in the process of obtaining quotes for components for a commercial embodiment of the invention. The FT3 exercise machine was displayed in our showroom at least as early as March 2001. We received our first order on March 31, 2001. The FT3 was displayed at the Health and Fitness Business Expo in Denver, Colorado in August 2001.

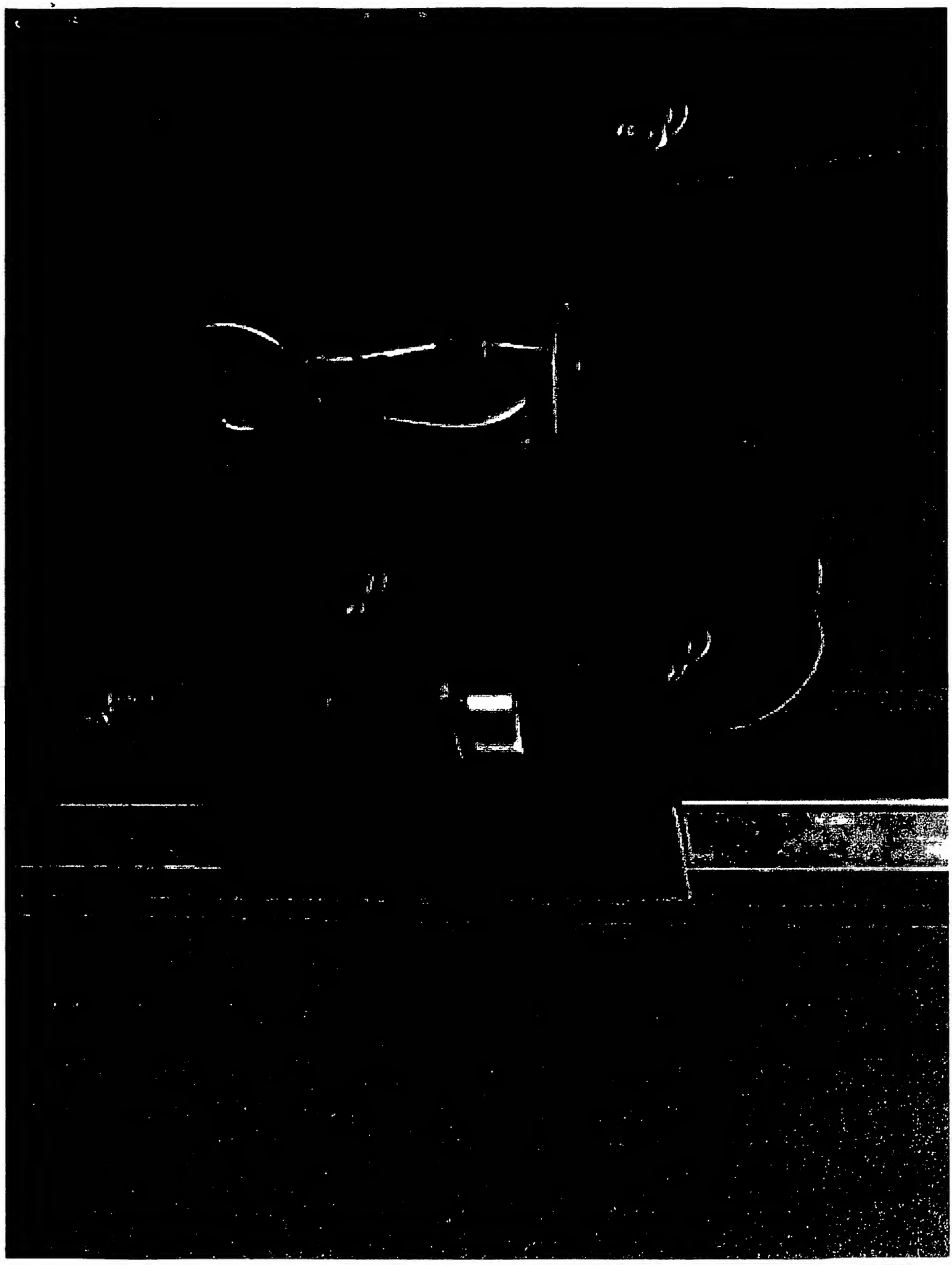
9. The original prototype was eventually sold to Danny Mitchell in New Hill, North Carolina on August 29, 2001. A copy of the invoice for the sale of the prototype machine is attached hereto as Exhibit 5.

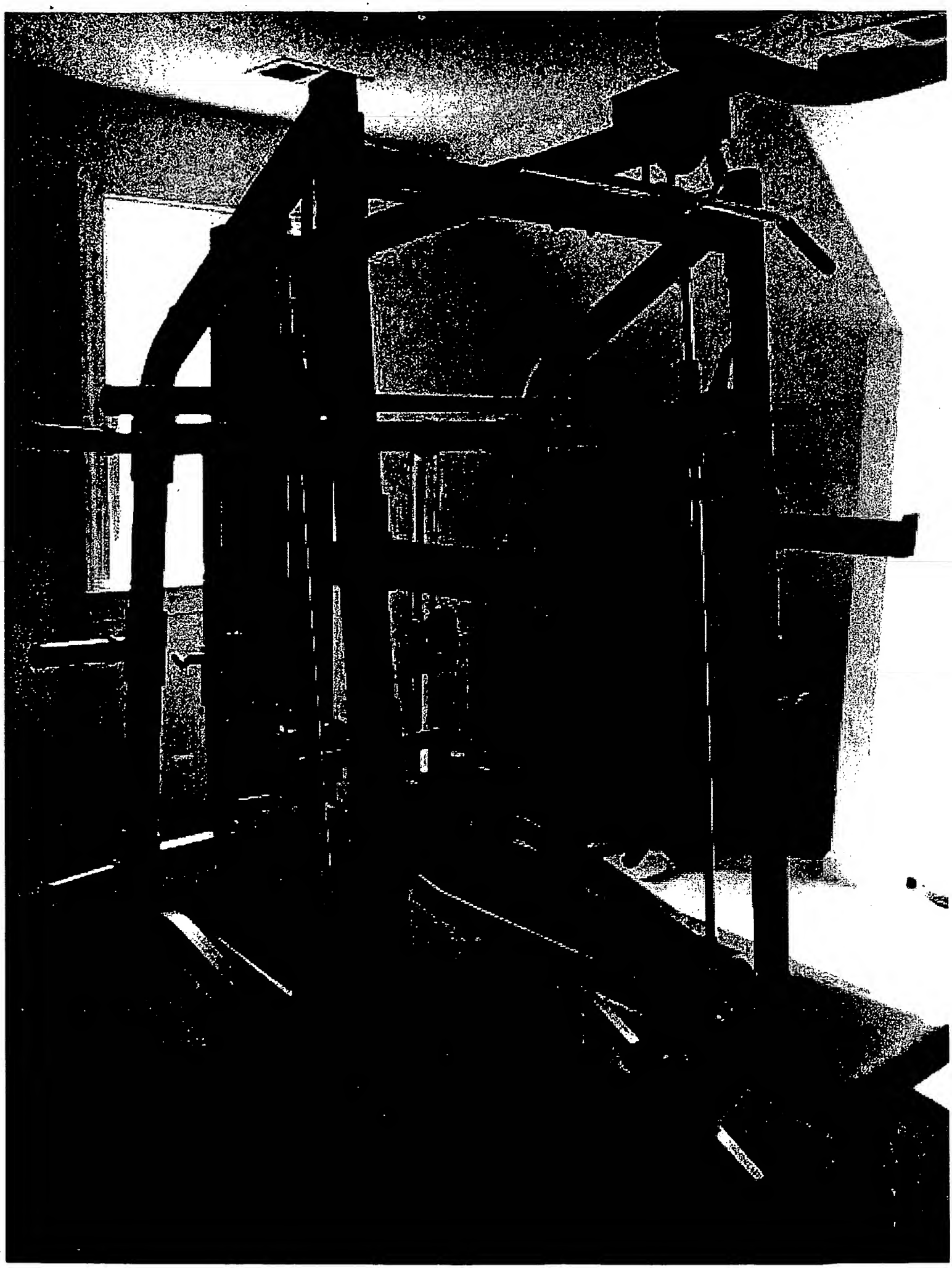
I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

L. Ron Batca

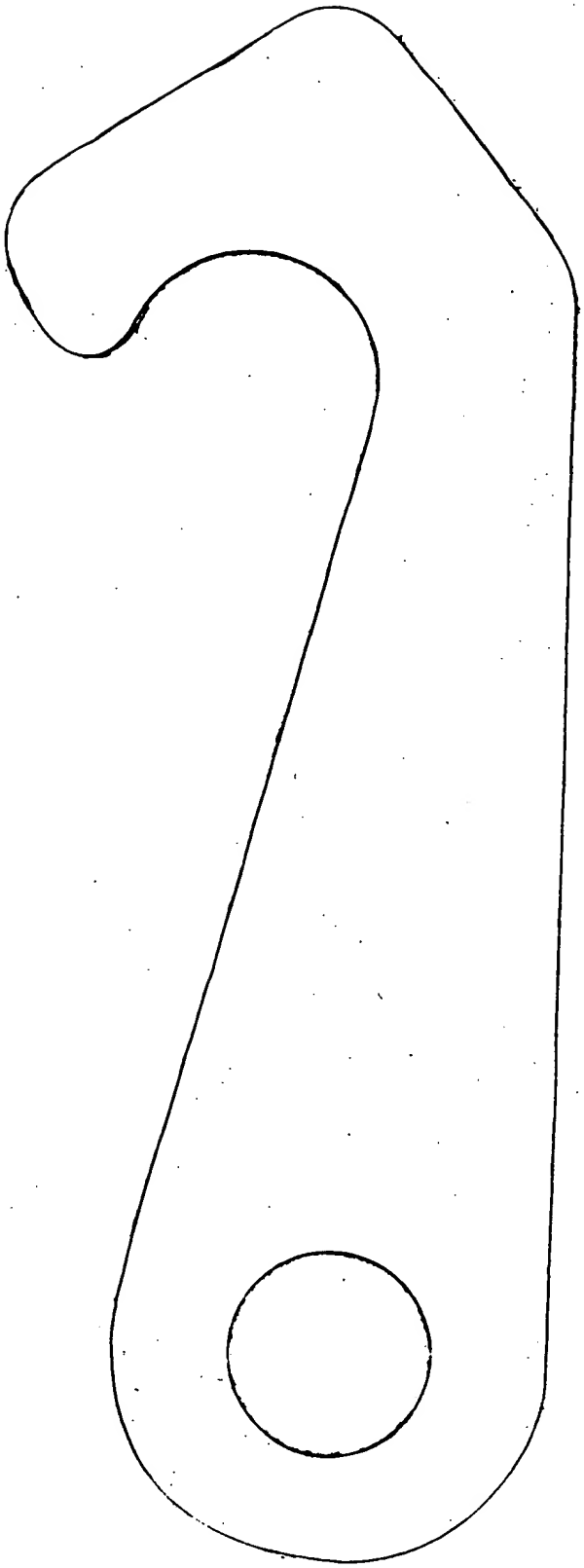
IMG_0154.JPG (640x480x16M jpeg)



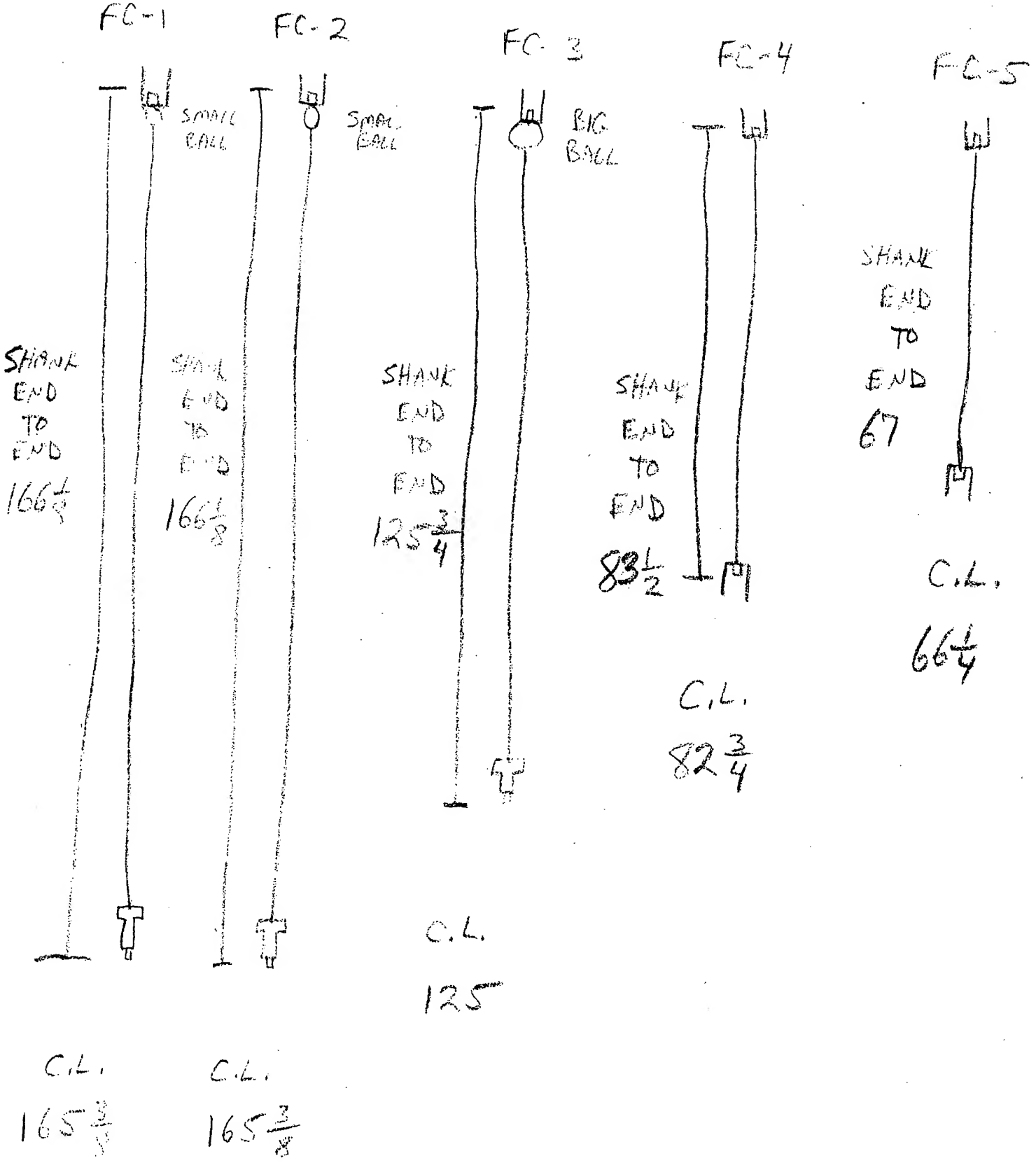




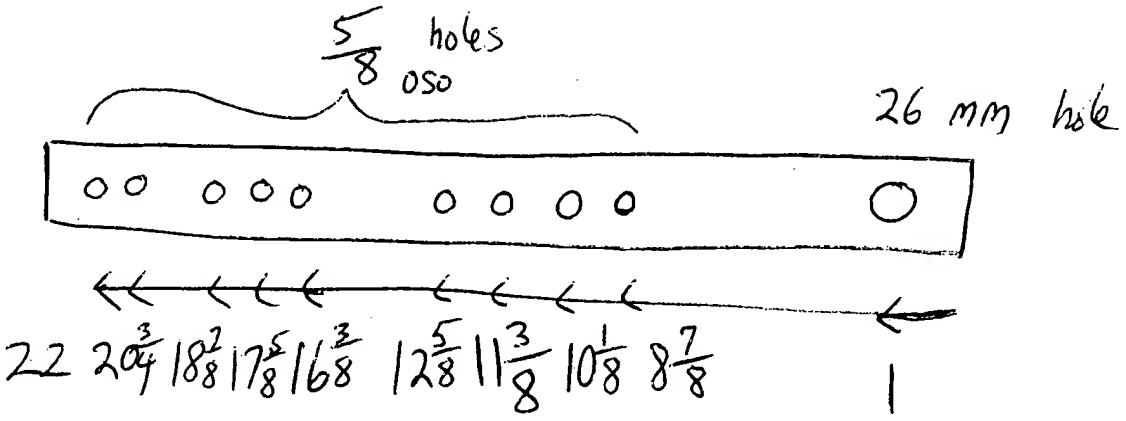
SMITH BAR HOOK



F3 CABLES 2-10-01



1.875" 3.75" 7.875"



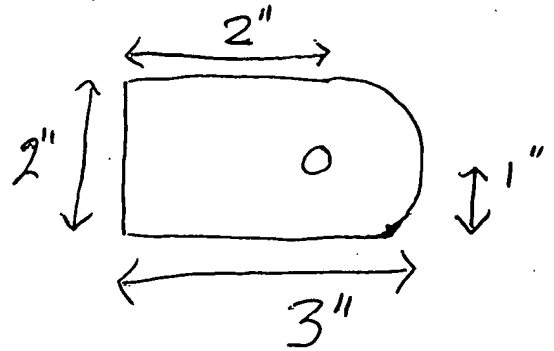
$1\frac{1}{2} \times 1\frac{1}{2} \times 25$

LASER PARTS

NEW PARTS

① SAFETY CATCH PLATE

$\frac{1}{4}$" THICK PLATE



12.9 mm HOLE ($\frac{33}{64}$")

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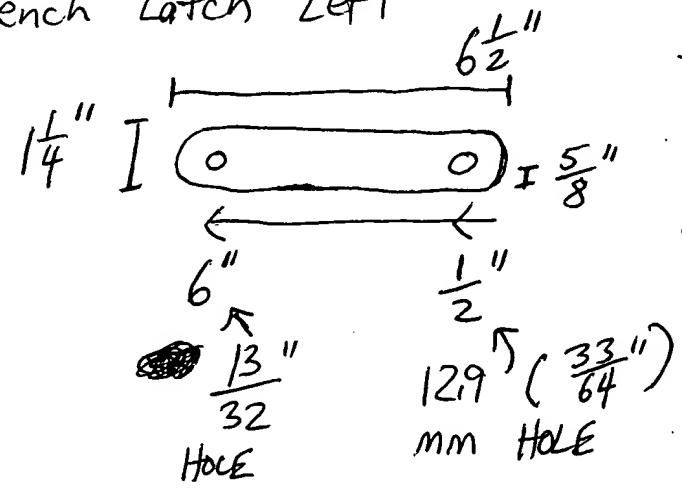
② Bench Latch Left



$\frac{1}{4}$" THICK PLATE

RADIUS CORNERS

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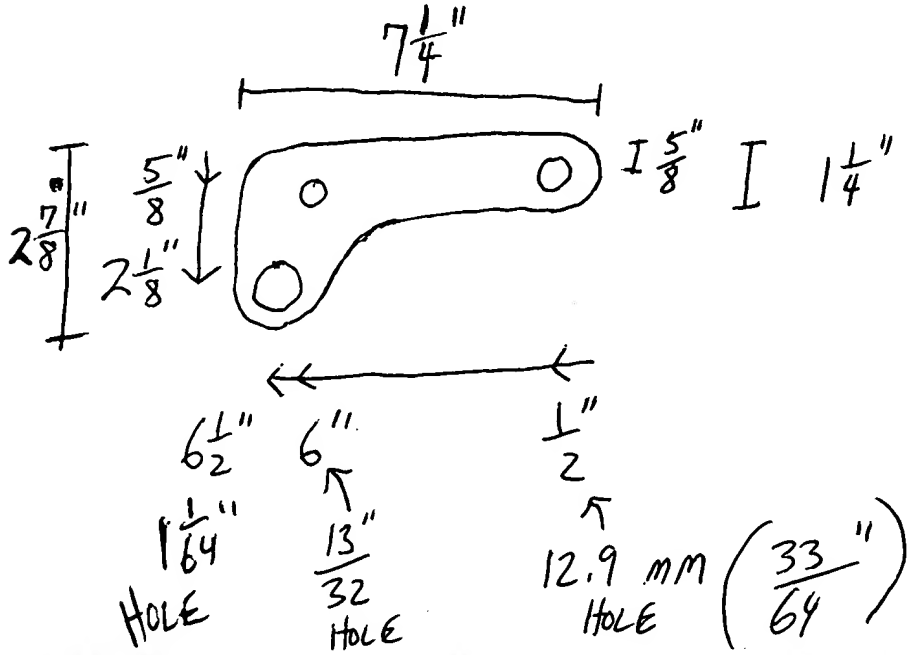
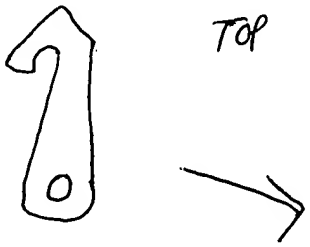
③ Bench Latch Right



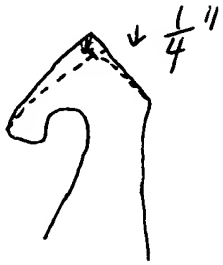
LASER PARTS

5 PARTS TO MODIFY

① SMITH HOOK SM-L064



TOP PEAK SHOULD BE $\frac{1}{4}$" LOWER



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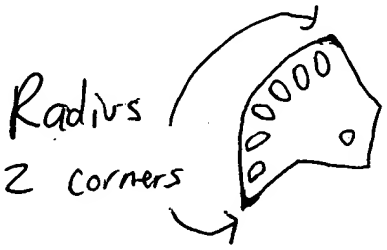
② LOW ROW BRACE CAM SM-095



SLOT WIDTH SHOULD BE $\frac{17}{32}$"

$\frac{17}{32}$"

(May already be correct)

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③ WEIGHT STACK CONNECTOR SM-029

RADIUS CORNERS SO THEY ARE NOT SHARP

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④ SAFETY CATCH SM-048

RADIUS CORNERS SO THEY ARE NOT SHARP

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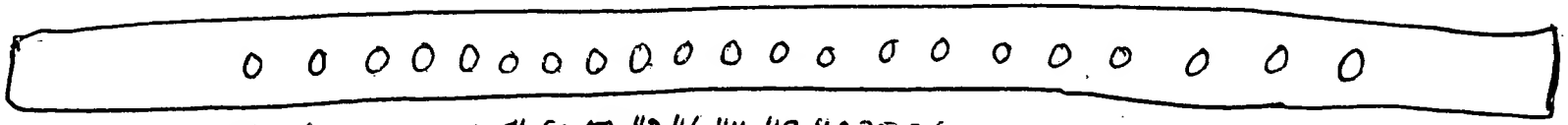
⑤ J-HOOK

SM-L018

RADIUS CORNERS SO THEY ARE NOT SHARP

7 7 1/16

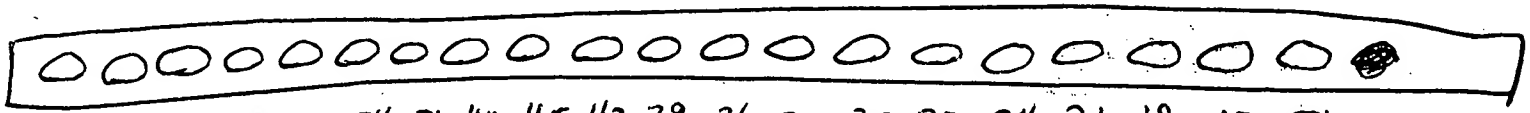
20° Long Side



64 62 60 58 56 54 52 50 48 46 44 42 40 38 36 34 32 30 28 26 24

21 holes
at 1/8 Hougen
2" spread
on centers

20° Short Side



69 66 63 60 57 54 51 48 45 42 39 36 33 30 27 24 21 18 15 12

7 1/4 68 1/4 65 1/4 62 1/4 59 1/4 56 1/4 53 1/4 50 1/4 47 1/4 44 1/4 41/4 38 1/4 35 1/4 32 1/4 29 1/4 26 1/4 23 1/4 20 1/4 17 1/4 14 1/4

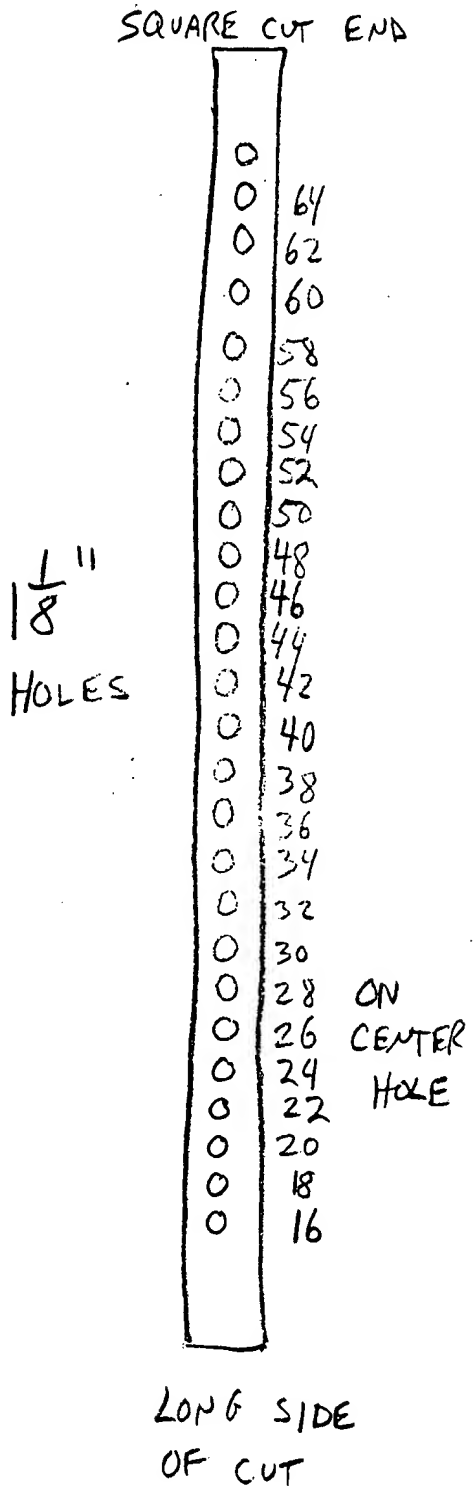
20 slots
at 1/8 roughing end mill
2 1/4" long slots

7G

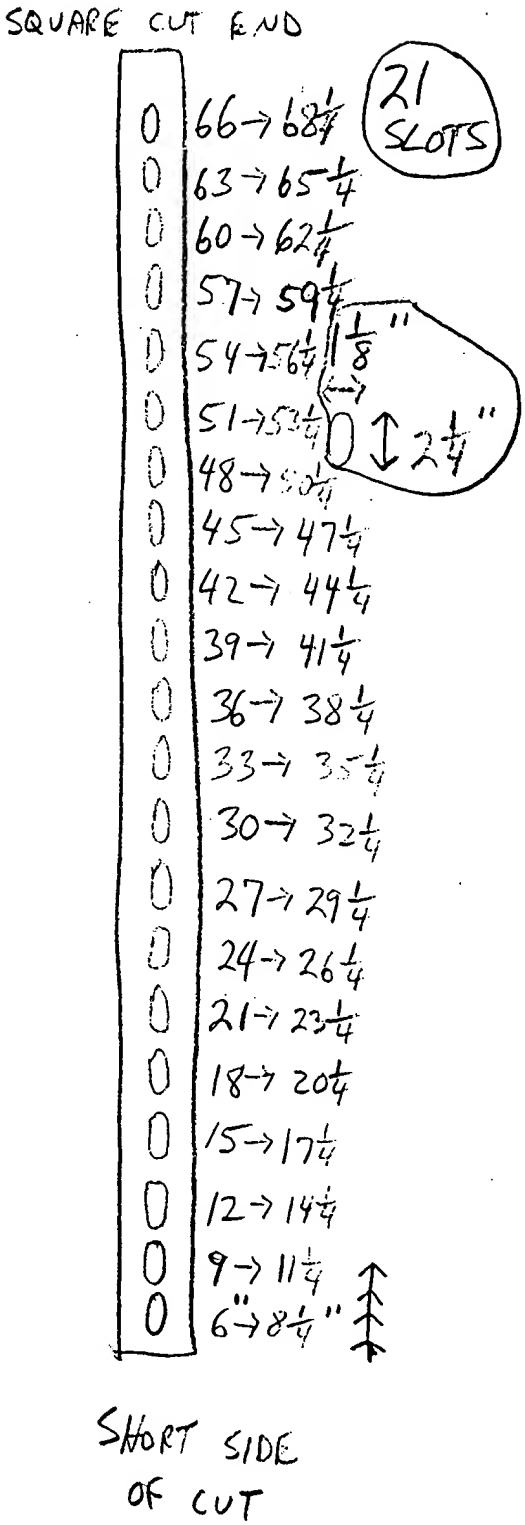
90° 70° 2X3X 77 7/16 SQUARE TO LONG END

2 FRONT POST
QUANTITY 2

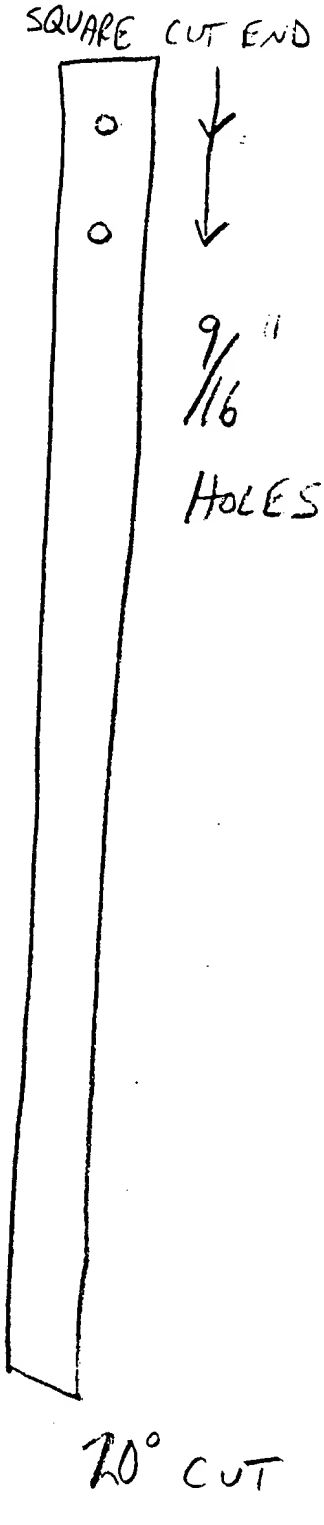
FRONT VIEW



BACK VIEW

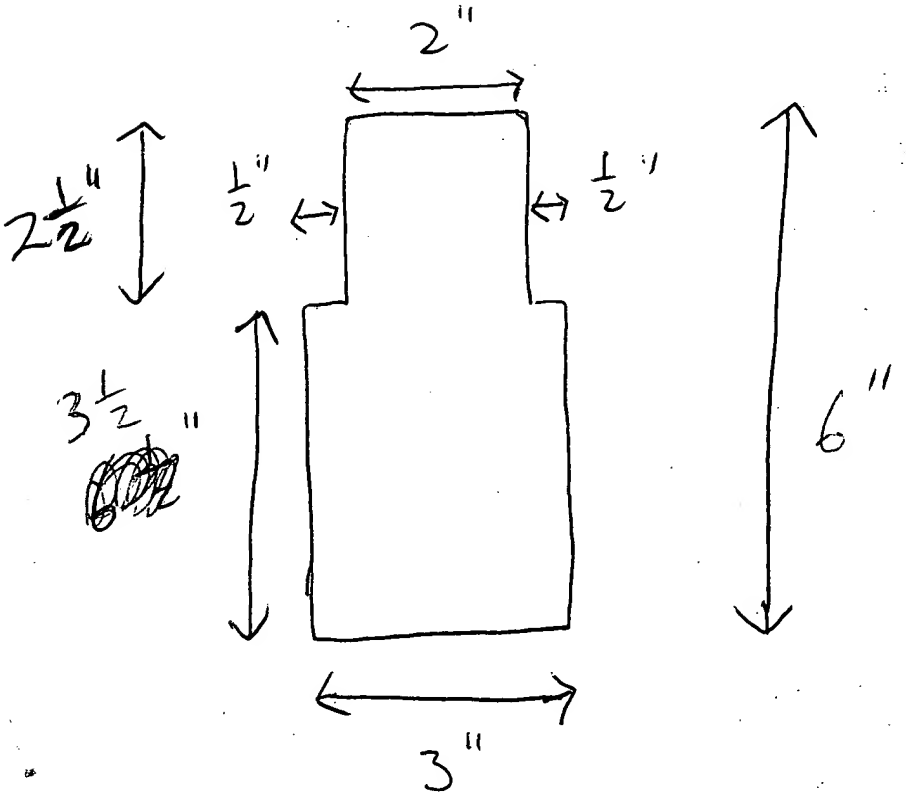


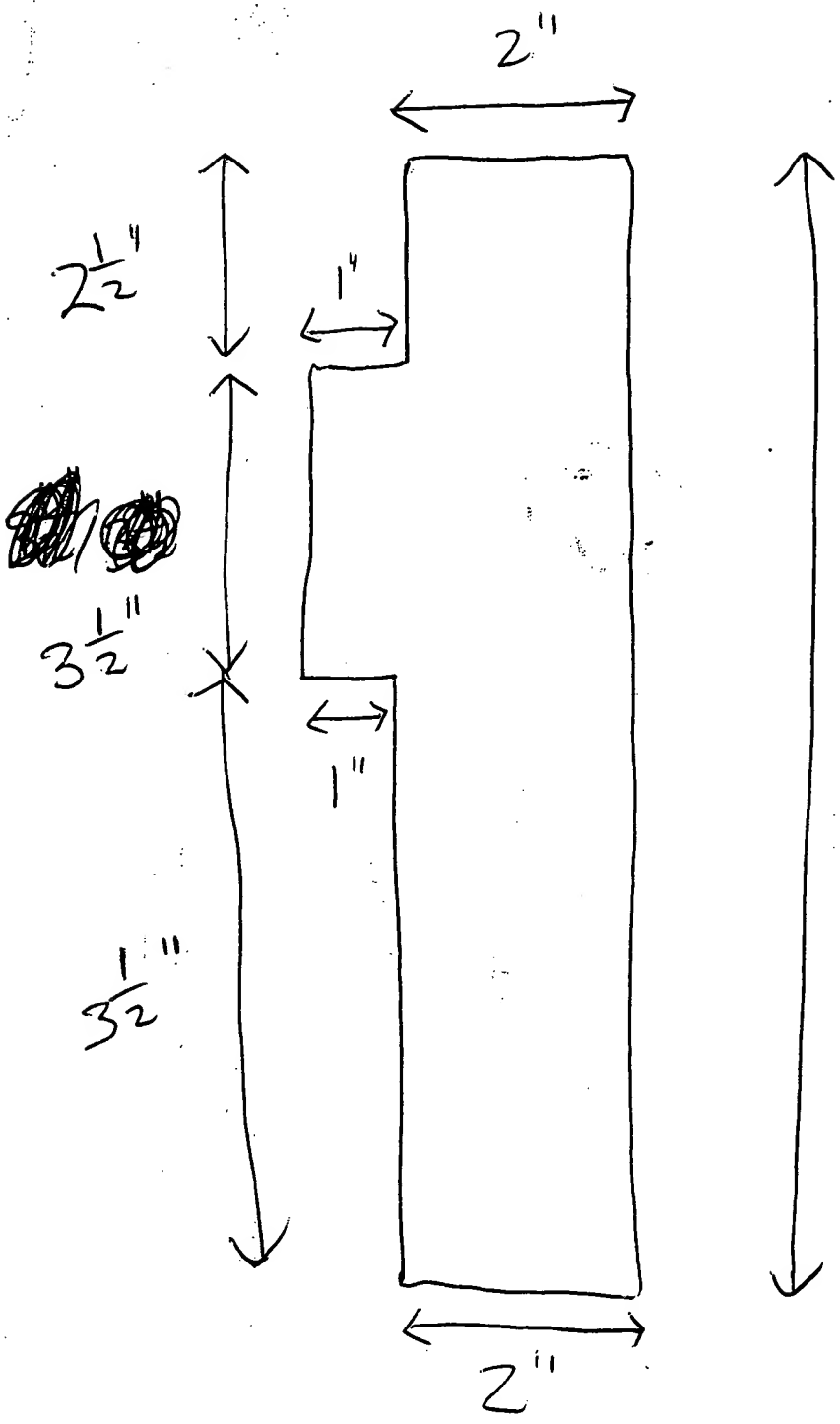
SIDE VIEW



Qty
2

$\frac{3}{8}$ x 3 x 6





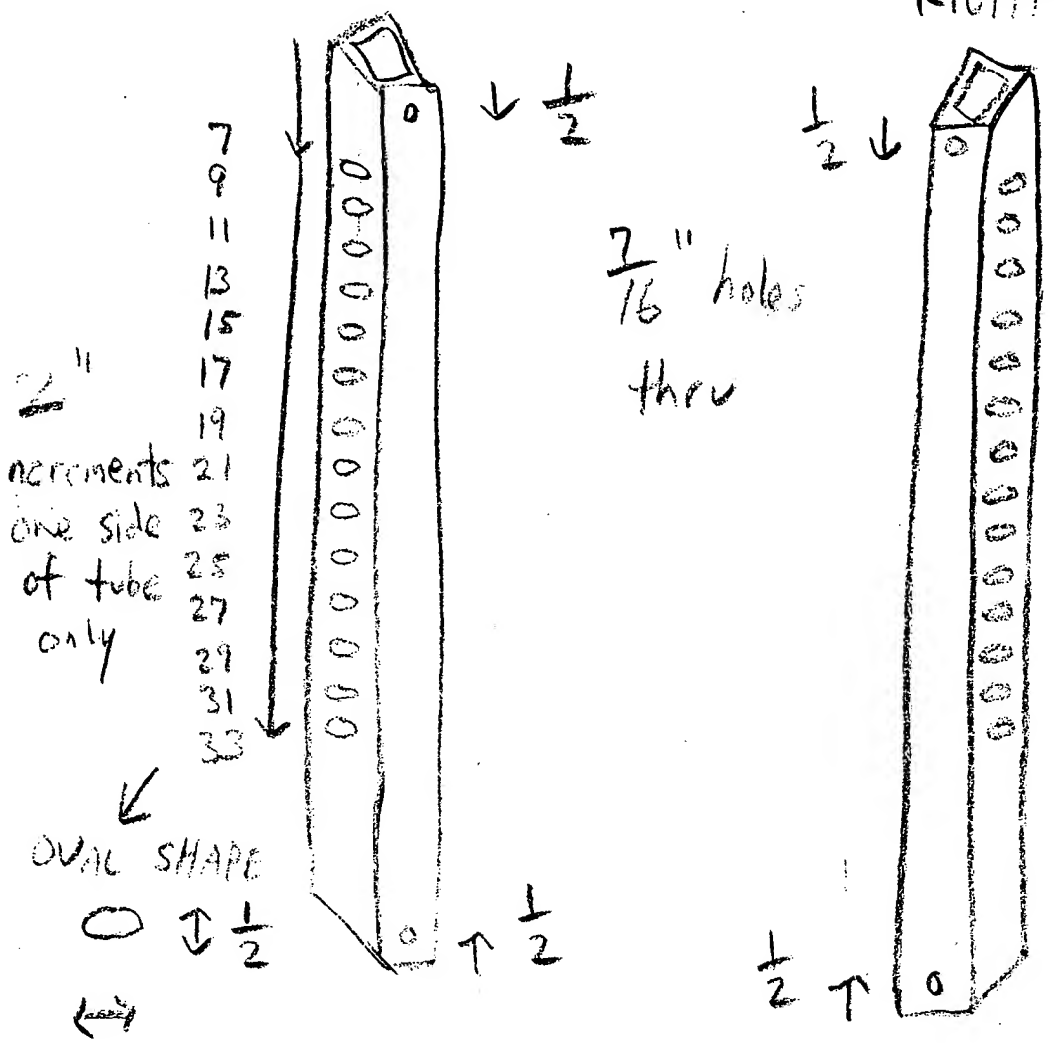
start with

$\frac{3}{8}$" X 3 X 9 $\frac{1}{2}$

CABLE COLUMNS ADJUSTMENT TUBES

LEFT

RIGHT



$1\frac{1}{2} \times 1\frac{1}{2} \times 43\frac{5}{8}$

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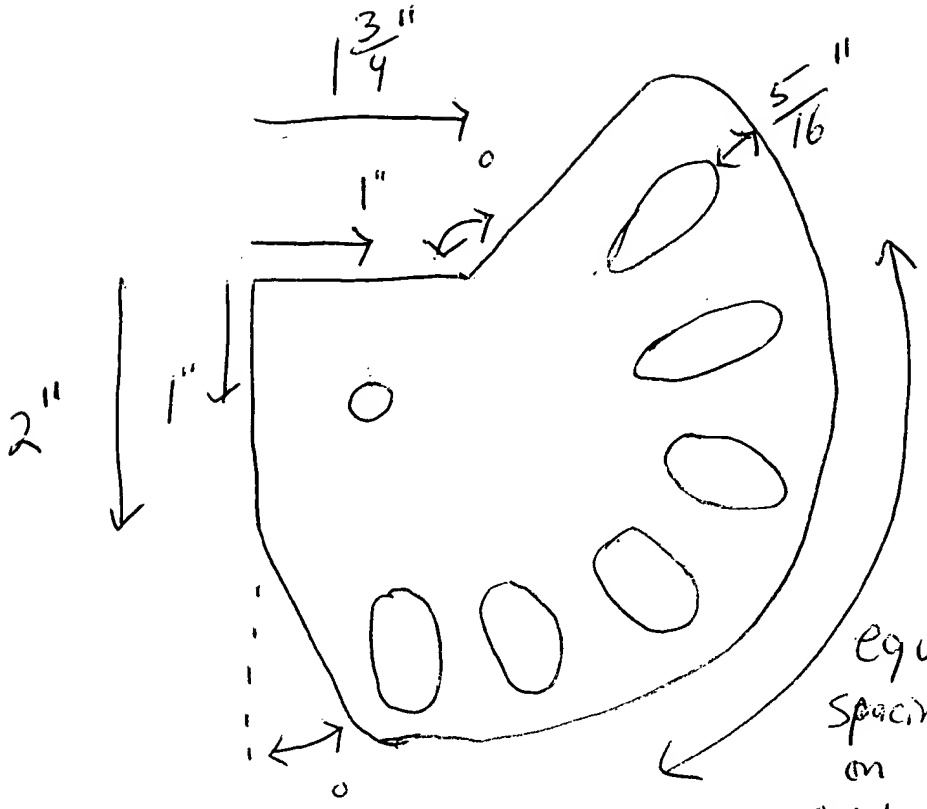
4 Quantity

$\frac{1}{4} \times 1\frac{1}{2} \times 3$ Spacers

FITS BETWEEN TUBES AND MIDDLE AND LOWER CABLE CLAMPS

7/16" holes

LASAR CAM FOR
LAT ROW & BENCH BRACE



equal
Spacing
on
Ovalslots
6 quantity

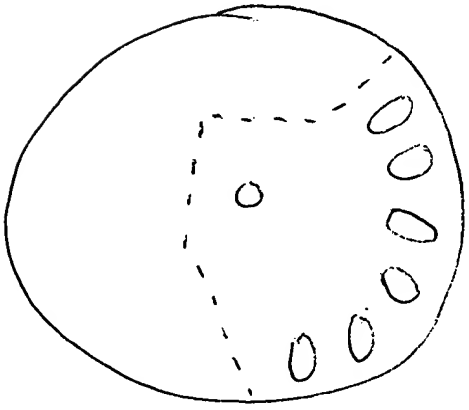
OVAL SLOT

17/32"

7/8"

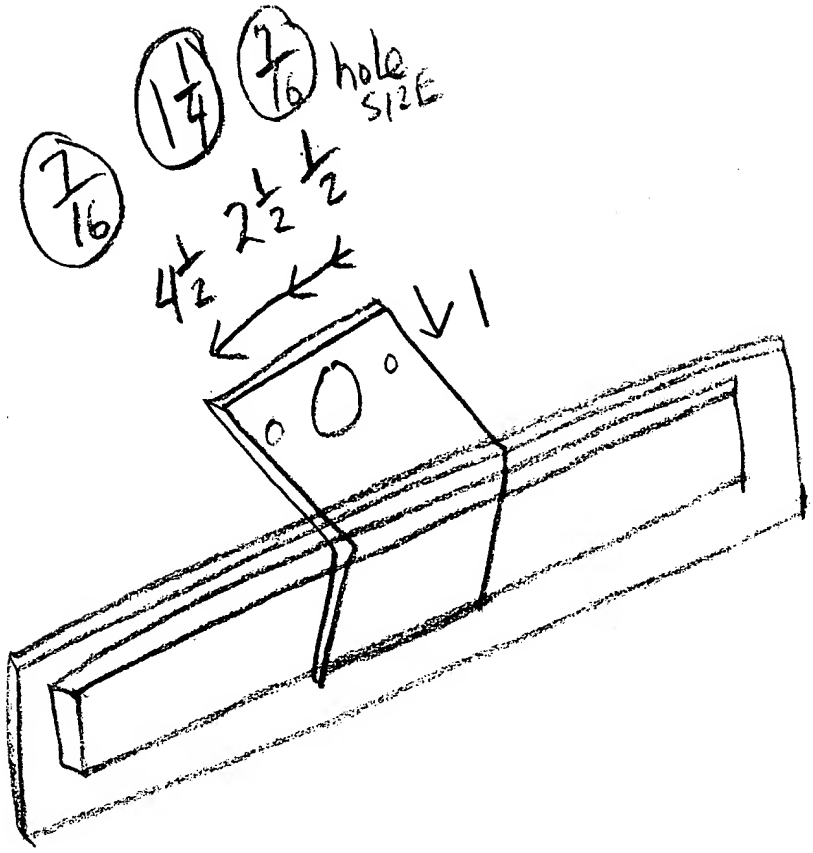
HOLE

O 12.9 mm

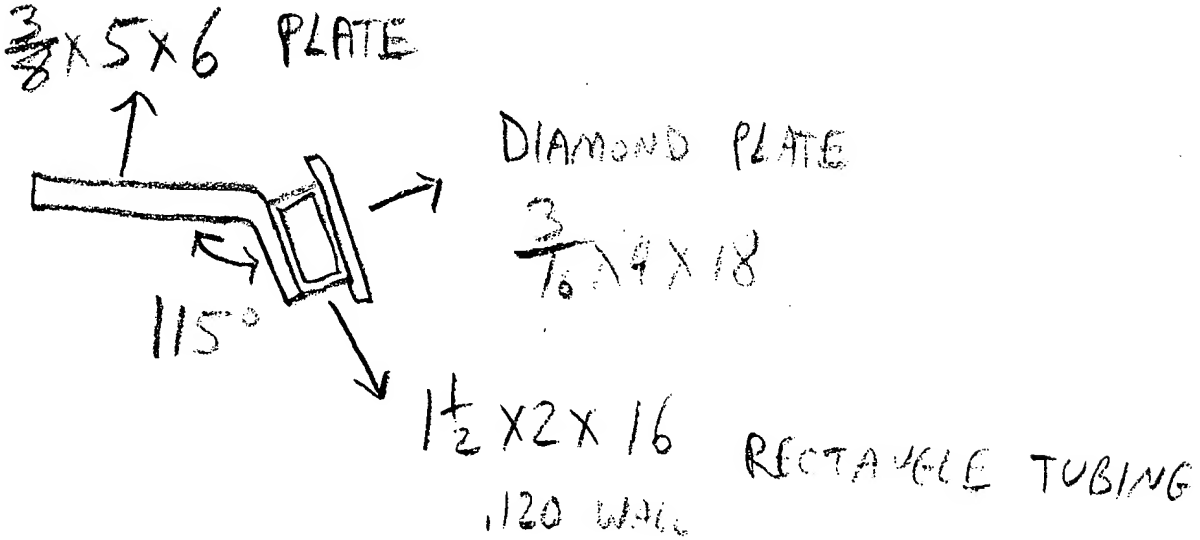


7" circle

LOW ROW FOOT BRACE

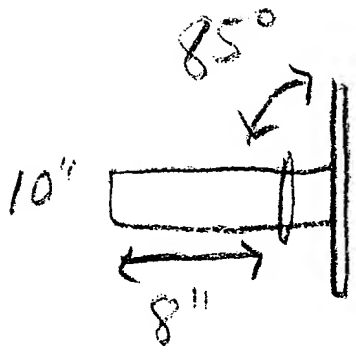


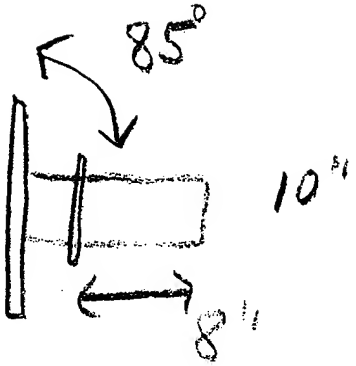
SIDE VIEW



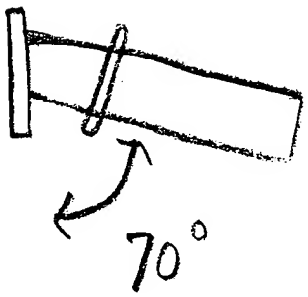
OLYMPIC
PLATE
TREES

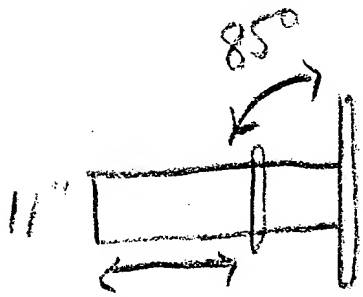
FRONT
VIEW

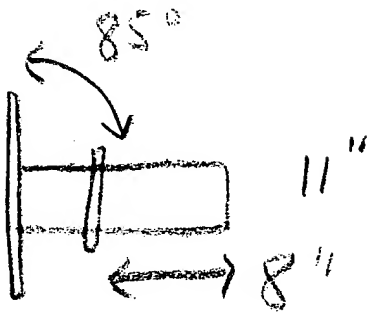




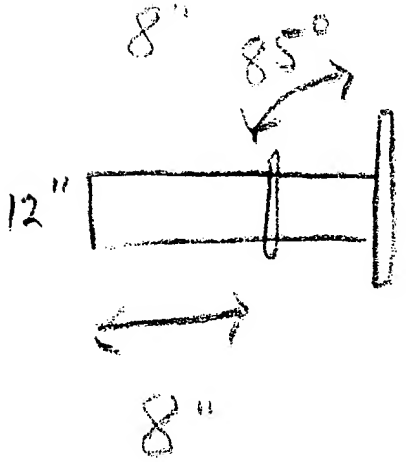
OVER HEAD
VIEW

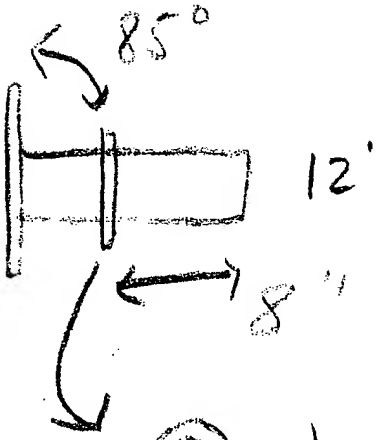






1.90 O.D.
ROUND
TUBING
.145 WALL



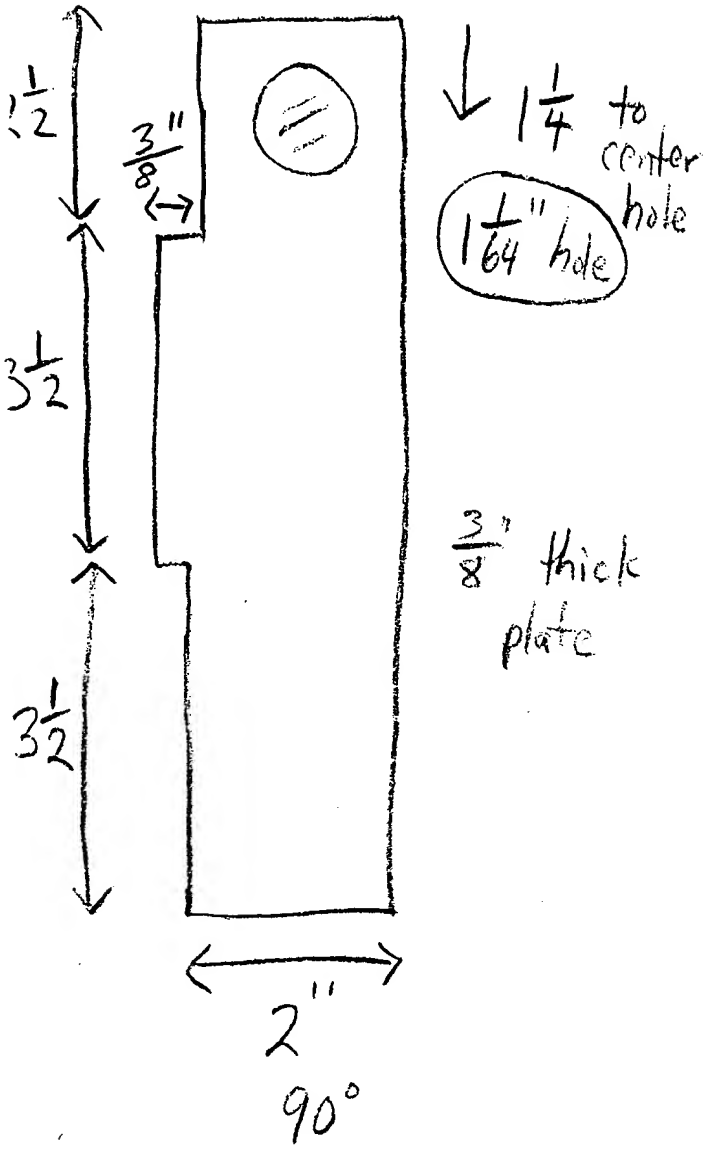


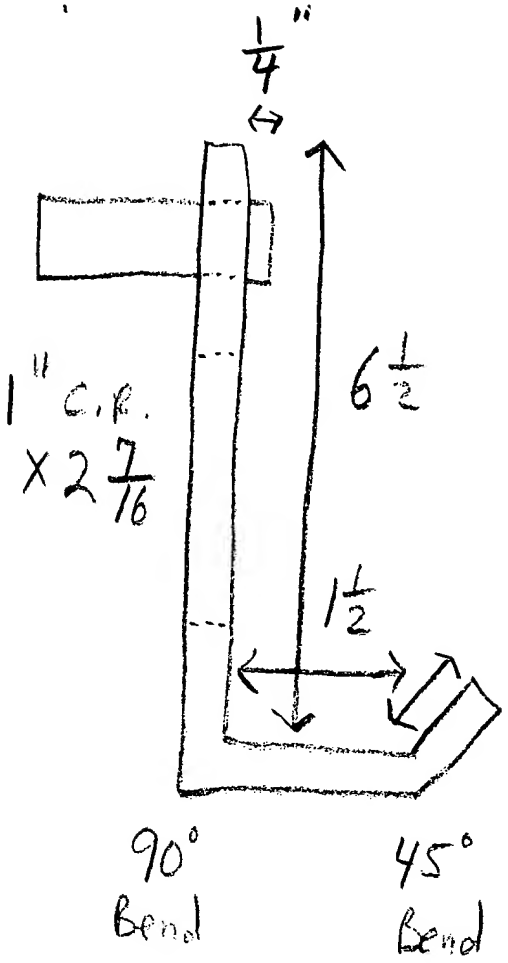
$2\frac{1}{2}$ O.D.
ROUND TUBING
$1\frac{7}{8}$" I.D.

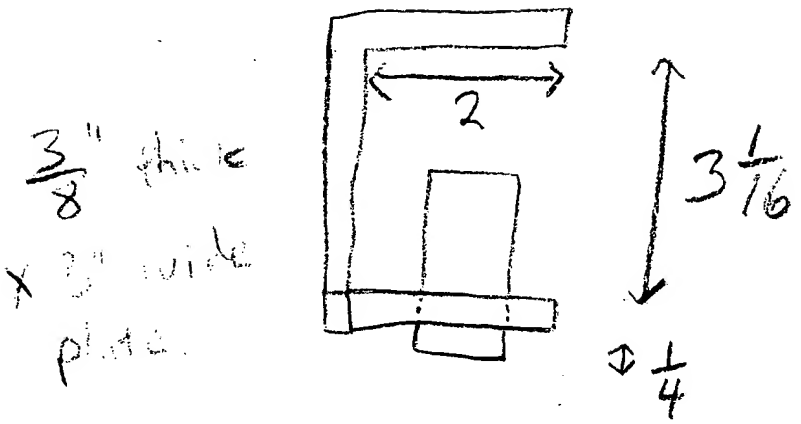
$\frac{1}{4}$ X 3 X 7
FLAT PLATE

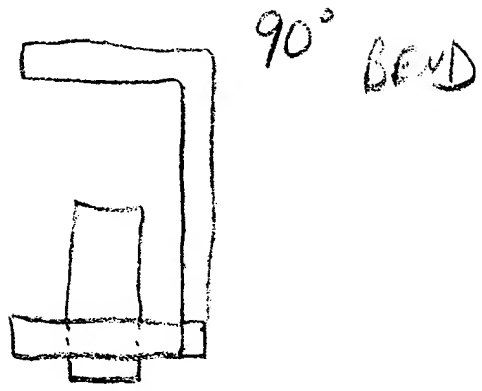
$\frac{9}{16}$" holes

J-HOOKS
1 LEFT
1 RIGHT



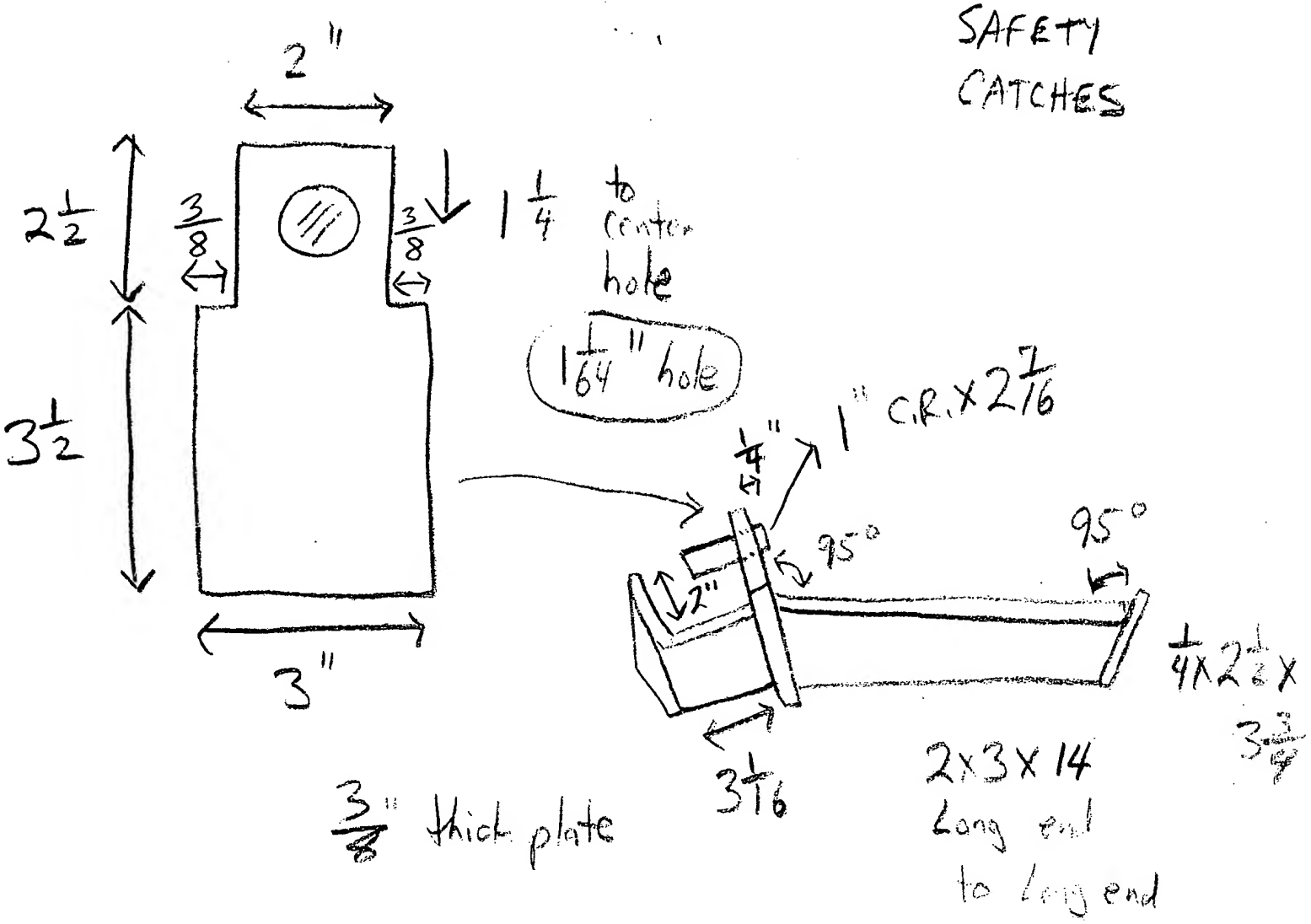


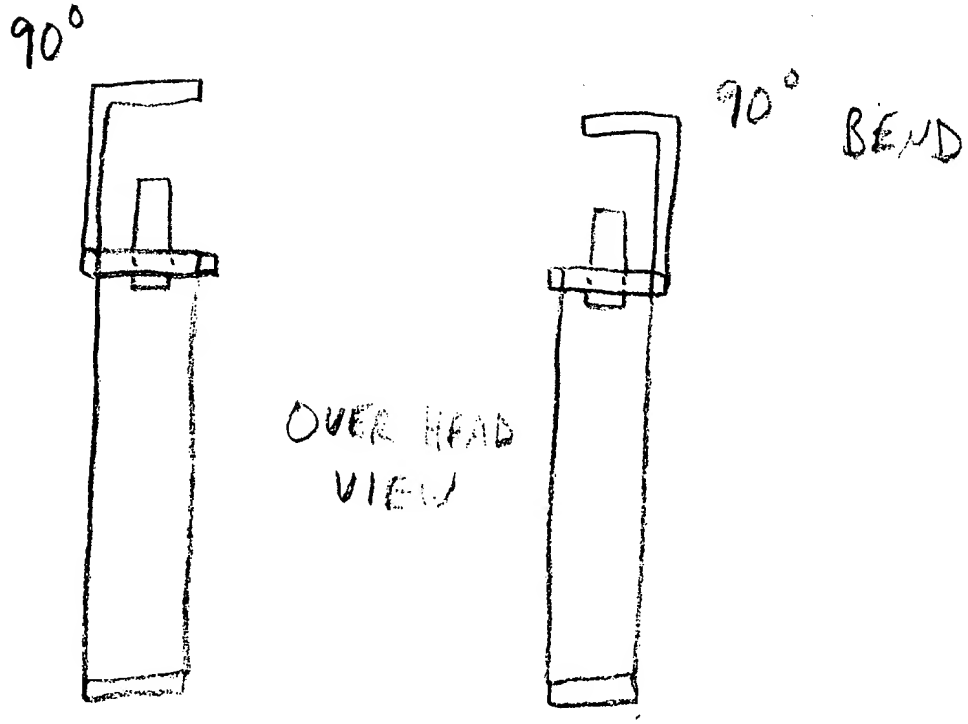




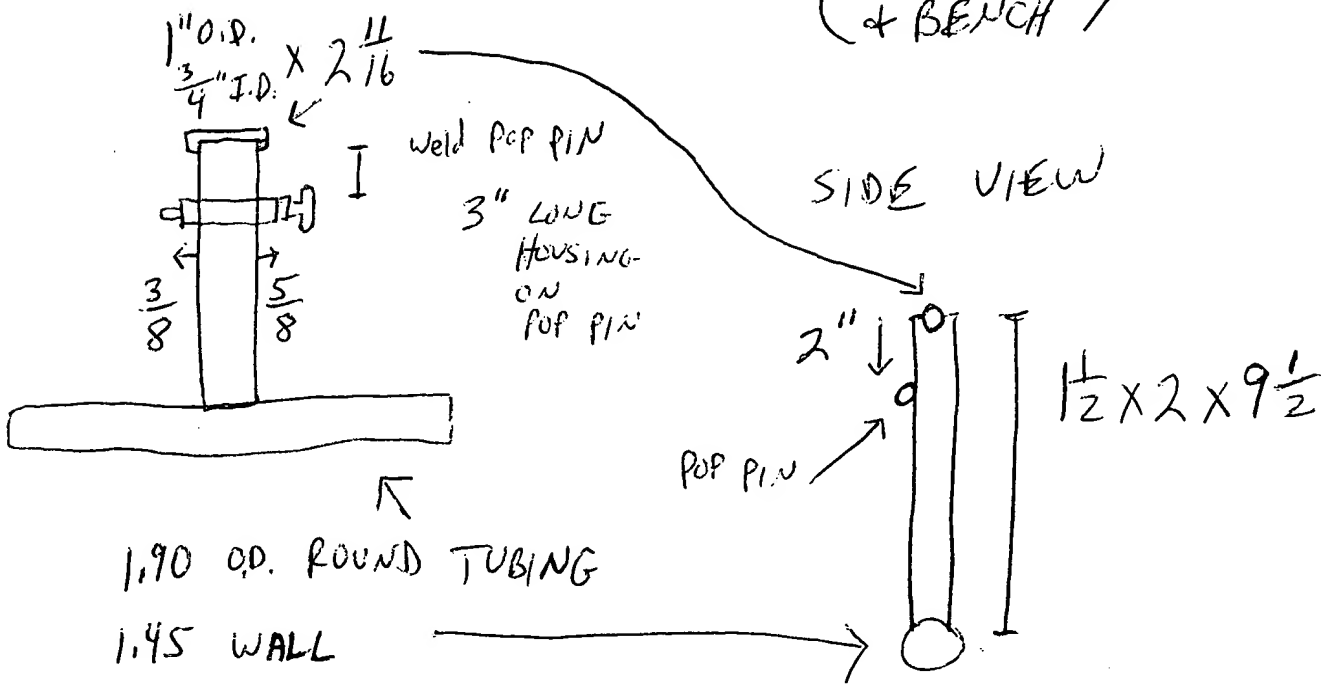
OVER HEAD VIEW

SAFETY CATCHES

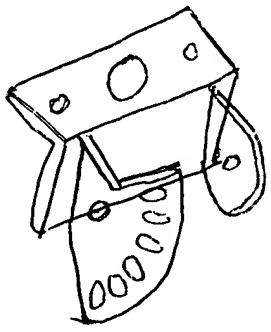




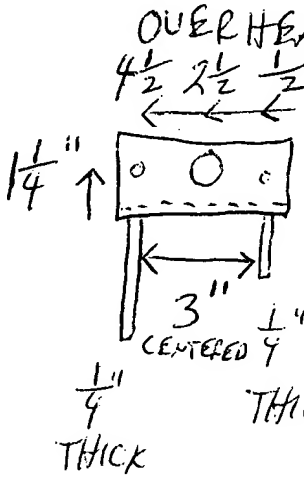
(LOW ROW + BENCH) BRACE



ANGLE VIEW



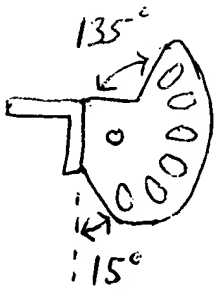
OVERHEAD VIEW



2 OUTER HOLES 7/16"
CENTER HOLE 1 1/8"

1/4 X 2 X 2 X 5
ANGLE IRON

LEFT SIDE VIEW

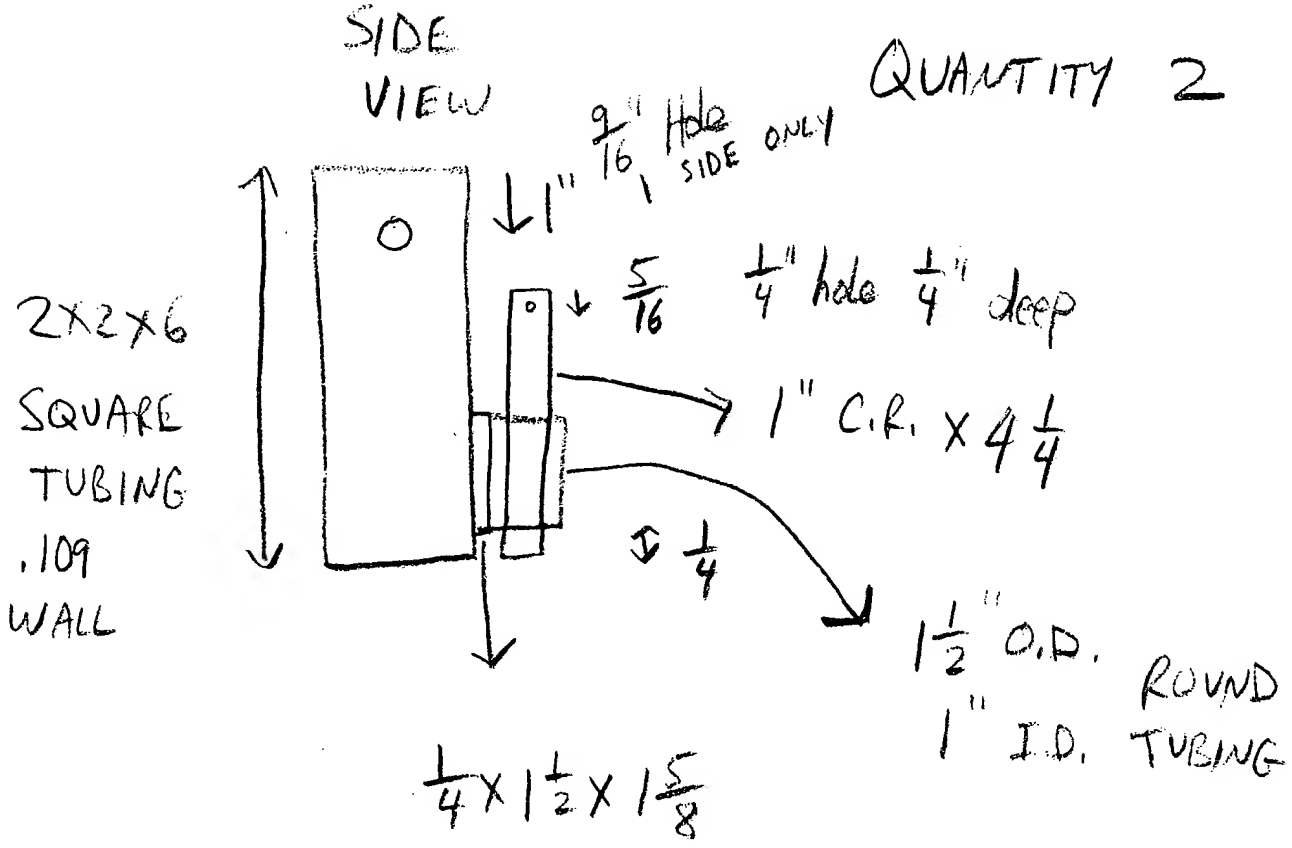


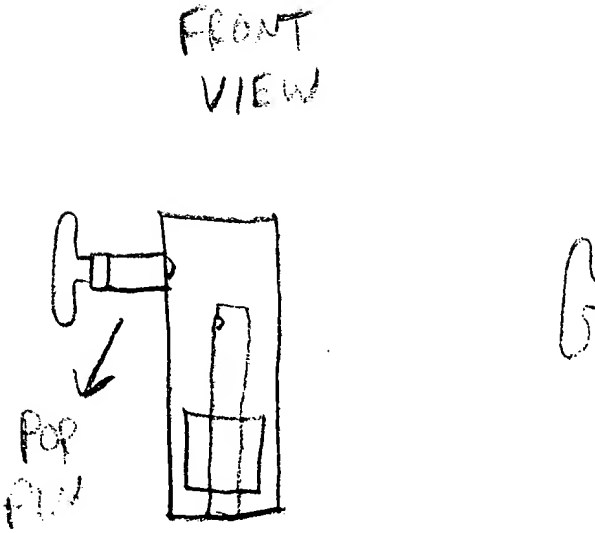
RIGHT SIDE VIEW

1/4 X 2 X 2

SLIDING CABLE COLUMN TUBES

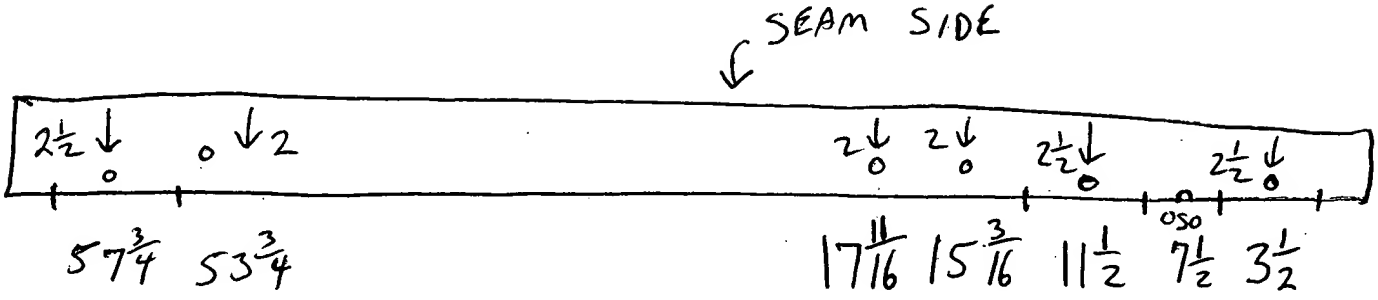
QUANTITY 2





FT-3

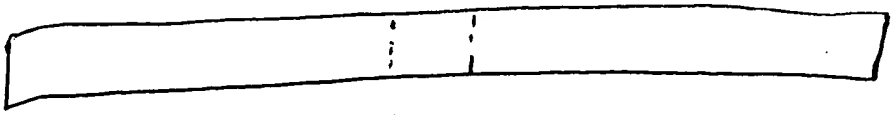
	SIZE	LENGTH	QTY
(1)	2x3 11G [redacted] LAT TO STACK	$61\frac{9}{16}$	1



61 55 (½) $14\frac{1}{4}$ $8\frac{3}{4}$ $6\frac{1}{4}$ $\frac{3}{4}$ SLOT

(2)	2x3 11G TOP CROSS MEMBER	$43\frac{1}{2}$	1

[redacted] (½)

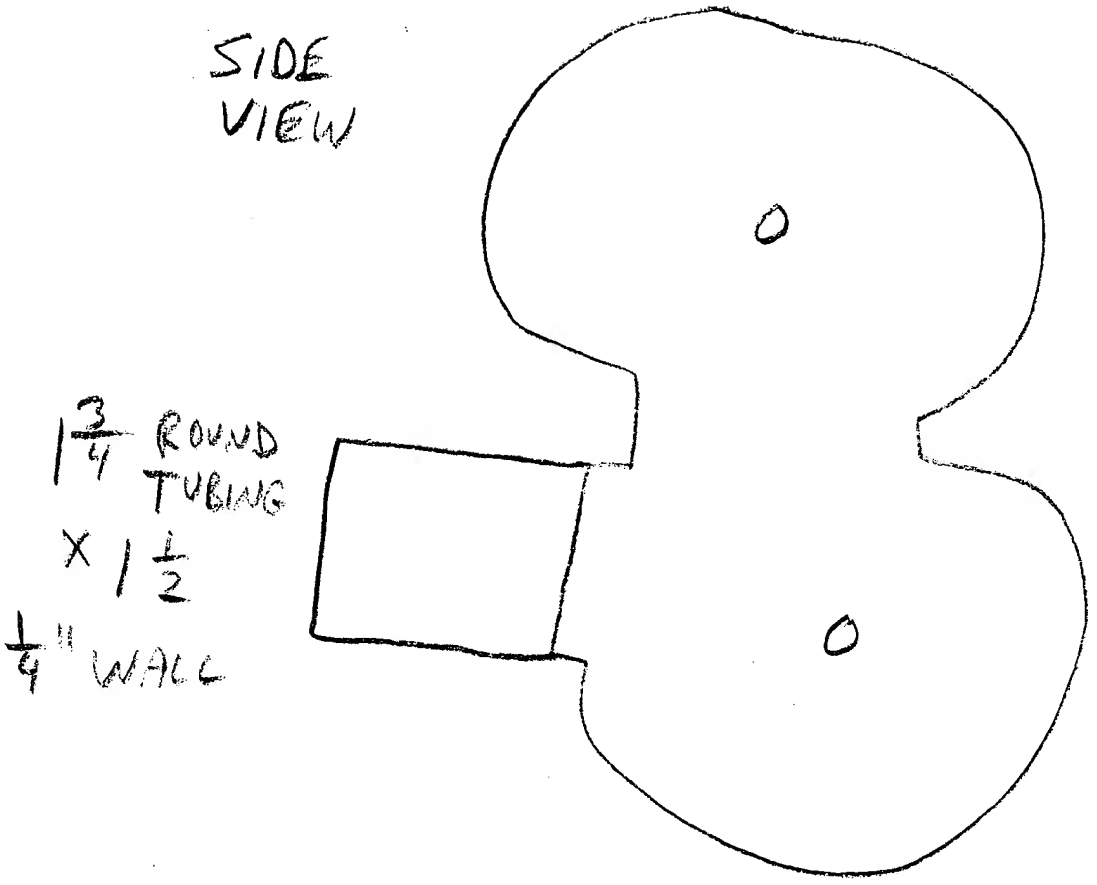


$23\frac{3}{4}$ $19\frac{3}{4}$

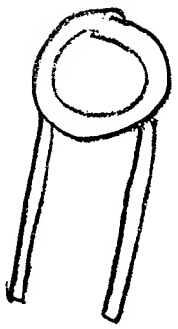
SWIVEL PULLEYS

QUANTITY 2

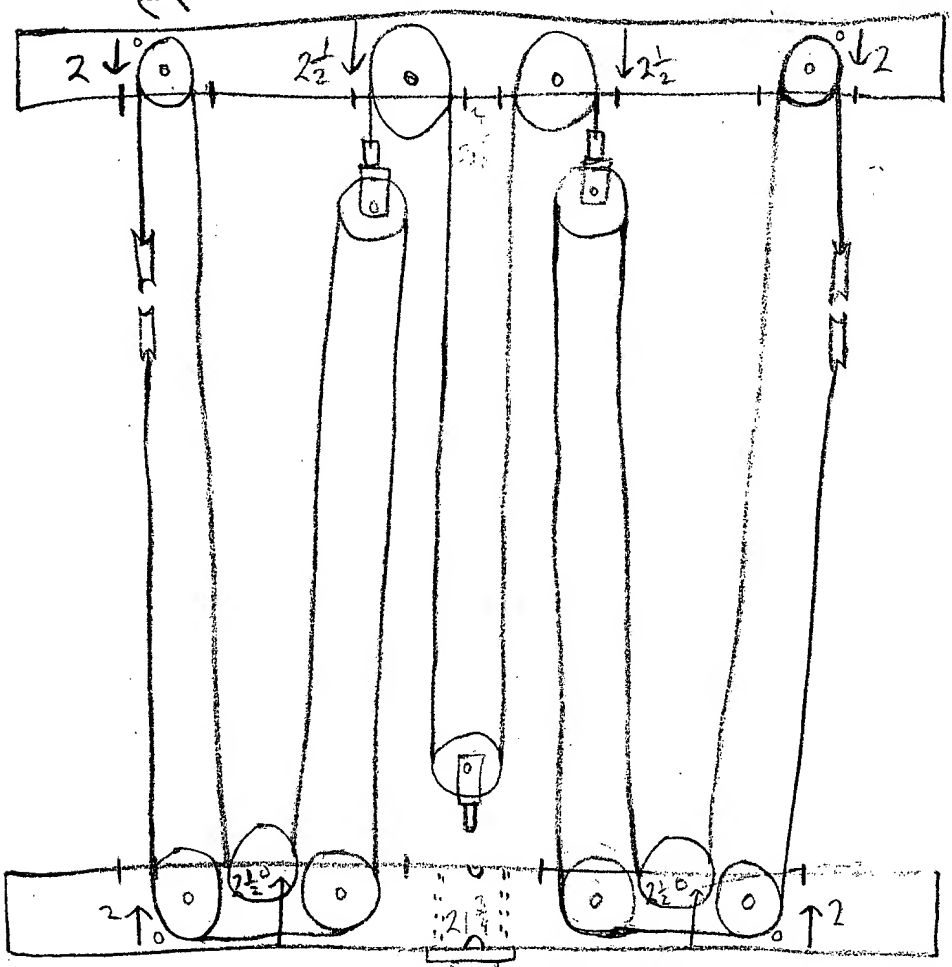
SIDE VIEW



TOP VIEW



2X3X43 1/4



35 5/8 31 1/8 33 3/8 26 7/8 22 3/8 20 7/8 16 3/8 12 1/8 7 5/8 SLOT 9 7/8 3 1/2" P

36 3/8 34 7/8 24 5/8 25 5/8 18 5/8 17 3/8 8 3/8 6 7/8 4 1/2" P

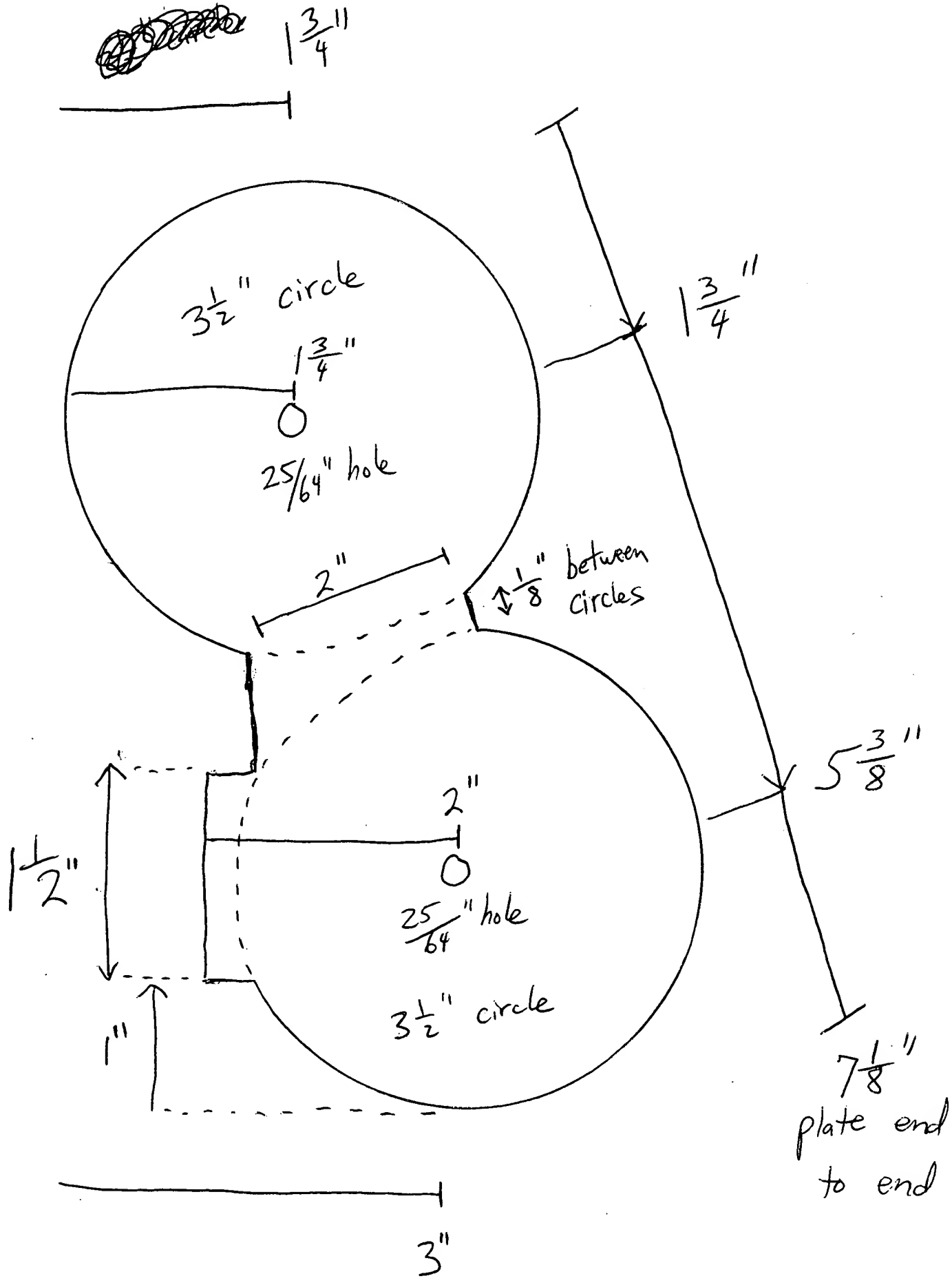
36 1/2 35 31 3/8 27 3/4 23 3/4 19 1/4 15 3/4 12 1/8 8 1/2 7 4 1/2" P

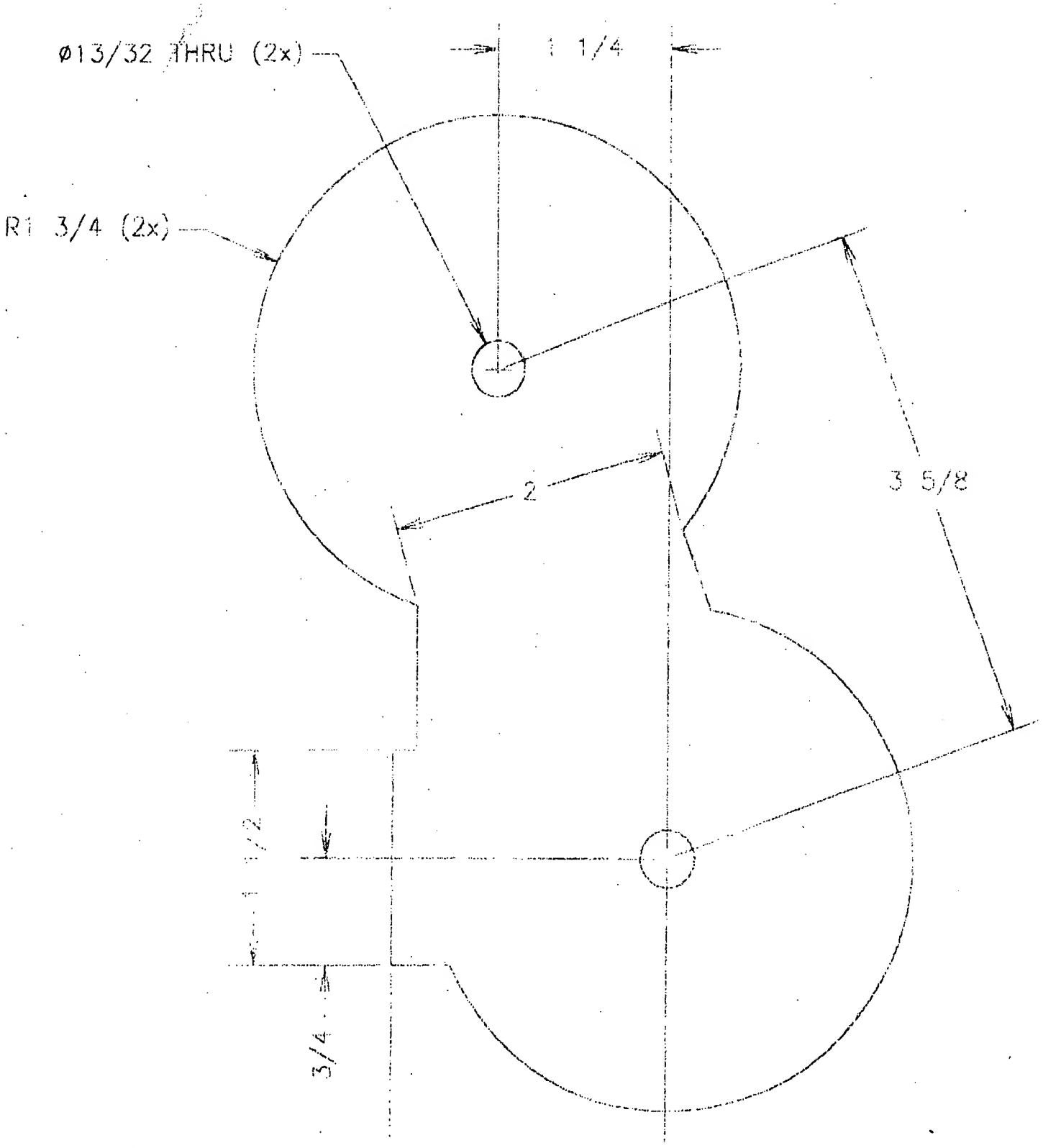
33 1/2 29 7/8 26 1/4 17 1/4 13 5/8 10 Ride 3 1/2" P

35 3/4 24 19 1/2 7 3/4 SLOT

2X3X43 1/2

26 1/2


1 3/4"
3 1/2" circle
1 3/4"
25/64" hole
2"
1/8" between circles
1 3/4"
5 3/8"
2"
1 1/2"
25/64" hole
3 1/2" circle
1"
7 1/8"
plate end to end
3"


Ø13/32 THRU (2x)
1 1/4
R1 3/4 (2x)
2
3 5/8
1/2
3/4

Invoice

DATE	INVOICE #
8/29/2001	7900

PAID

BILL TO

Danny Mitchell
Box 171 Partian Rd.
New Hill, NC 27562
919-387-0363

HIP TO

P.O. NUMBER	TERMS	REP	SHIP	VIA	F.O.B.	PROJECT
verbal	PIA	RON	8/29/2001	CPU	Raleigh, NC	

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	AMOUNT
1	FT3-loaded	FT3 w/ freeweight bar/safety catches, smith system, FID bench, cable system & stack, weight stack enclosures, leg extension & curl attachment, preacher curl attachment, chin up bar	3,200.00	3,200.00T
		Prototype	0.00	0.00
		NC Sales Tax	6.00%	192.00

Total $3,392.00